

SCOTT GERIEN (State Bar No. 184728)
sgerien@dpf-law.com
JOY L. DURAND (State Bar No. 245413)
jdurand@dpf-law.com
DICKENSON, PEATMAN & FOGARTY
1455 First Street, Suite 301
Napa, California 94559
Telephone: (707) 252-7122
Facsimile: (707) 255-6876

Attorneys for Plaintiff
JAM CELLARS, INC.

ROBERT C. HOLTZAPPLE (State Bar No. 145954)
rholtzapple@fbm.com
KELLY M. MATAYOSHI (State Bar No. 284596)
kmatayoshi@fbm.com
FARELLA BRAUN + MARTEL LLP
235 Montgomery Street, 17th Floor
San Francisco, California 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

Attorneys for Defendant
O'NEILL BEVERAGES CO. LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JaM Cellars, Inc.,

Plaintiff,

vs.

O'Neill Beverages Co. LLC,

Defendant.

CASE NO. 3:17-cv-00690-WHO

**STIPULATED DISMISSAL WITH
PREJUDICE; ORDER**

The parties in this action have entered into a settlement agreement resolving the dispute. As part of the settlement agreement Defendant is required to change its product packaging to feature a new label for use with the trademark at issue in this dispute. The parties

1 have agreed that the new label is an acceptable mechanism to address Plaintiff's concerns
2 related to the trademark infringement claims asserted in this matter. However, before
3 Defendant can utilize this new label, the new label must be approved by state and federal
4 agencies that regulate the alcohol beverage industry.

5 Accordingly, the parties stipulate that this matter be DISMISSED WITH PREJUDICE and
6 any hearings scheduled in this matter be VACATED, but if any party certifies to this Court, with
7 proper notice to opposing counsel prior to July 1, 2018, that settlement has not in fact occurred, this
8 order shall be vacated and this cause shall be restored to the calendar for further proceedings.
9

10 Respectfully Submitted,

11 Dated: January 15, 2018

DICKENSON, PEATMAN & FOGARTY

12
13 /s/ J. Scott Gerien

J. Scott Gerien

14 Attorneys for Plaintiff,
15 JAM CELLARS, INC.

16 Dated: January 15, 2018

FARELLA BRAUN + MARTEL LLP

17
18 /s/ Robert C. Holtzapple

Robert C. Holtzapple

19 Attorneys for Defendant,
20 O'NEILL BEVERAGES CO. LLC
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ORDER

IT IS SO ORDERED.

DATED: January 17, 2018

A handwritten signature in black ink, appearing to read "W. H. Orrick", is written over a horizontal line.

HONORABLE WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE